

NEWS

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County plans legal action against state, Phelan group home

At the request of First District Supervisor Bill Postmus, the San Bernardino County Board of Supervisors today voted unanimously to initiate legal proceedings against the State of California Department of Developmental Services and Phoenix Programs Inc. to protect the residents of Phelan from a plan to house registered sex offenders in their neighborhood.

The county believes the state in this case has authorized the use of a social services group home as a criminal detention facility. The county doesn't believe the Health and Safety Code licensing program was intended by the California Legislature to be used in this manner. The county's goal is to protect Phelan as well as any other community that might one day face such a crisis.

"Small group homes for six or fewer clients are legally residential uses and should not be converted through state administrative action to house sex offenders or any violent individuals who are incompetent to stand criminal trial for heinous offenses," said Supervisor Postmus, whose district includes Phelan and most other High Desert communities.

These group homes are intended to be a form of "assisted living" for individuals who cannot live independently, but who should be respected and have a place in our community. That is not what is planned in Phelan.

"The community is understandably frightened and outraged because of what these violent sex offenders have done and what they may do," Supervisor Postmus said. "They aren't concerned because these individuals are developmentally disabled or otherwise socially needy. They're concerned because the intended residents of this home are registered sex offenders."

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The state Department of Developmental Services Internet site describes the department as "the agency through which the State of California provides services and supports to children and adults with developmental disabilities. These disabilities include mental retardation, cerebral palsy, epilepsy, autism and related conditions." There is nothing to indicate that the department should be in the business of running criminal detention facilities in the midst of residential communities.

Information received by the county indicates the group home is required to have fences, exit alarms, and even one-on-one supervision – not necessarily for the protection of the clients, but for the provision of public safety.

Small group homes that are legally residences are fine for their legislatively intended purpose. It is not appropriate to use them as a substitute for a quasi-secure penal institution that is not even remotely residential in purpose.

"I'd like to know who the state and Phoenix Programs think they are fooling," Supervisor Postmus said. "This is clearly not a social services group home. It's a flimsy minimum-security facility for those who have engaged in criminal conduct, and they want to put it in the middle of our residential community. It's not right."

County Counsel is in the process of preparing the litigation, which should be filed within the next couple of weeks.